

REMARKS

Amendments to the Title and Abstract

The Title of the Application and the Abstract have been amended to more closely correspond to the preamble of the independent claim 19.

Brief Summary of the Office Action

In the Office Action, Claims 8-18 were each rejected as depending from a rejected base claim but were indicated to drawn to allowable subject matter subject to amendment to address their dependency from a rejected claim and, in the cases of claims 12 and 19, to address the minor formal objections raised by the Examiner in paragraph 1 of the Office Action. Claims 2-7 and 19 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Gellrich et al. '107. As stated in paragraph 7 of the Office Action, the Office Action was made final on the basis that such ground of rejection was allegedly necessitated by Applicant's previously filed amendment.

Reconsideration and withdrawal of all outstanding objections are respectfully requested in view of the amendments presented herein and in view of the following remarks. Reconsideration and withdrawal of all outstanding rejections is respectfully requested for the reasons noted further below in the remarks.

Objections to Claims 12 and 19

The formal objections raised by the Examiner in paragraph 1 of the Office Action concerning claims 12 and 19 have been addressed by amending those claims in suggested by the Examiner in paragraph 1 of the Office Action in order to correct minor typographical errors. In view of those amendments, all objections are believed to have

been overcome.

Miscellaneous Non-Substantive Amendments

Non-substantive amendments to claims 10 and 11 have been made. In particular, an unnecessary comma has been removed from claims 10 and 11.

A non-substantive amendment has been made to claim 13 to replace "which" with "said screw" for further clarity.

The amendments of presented herein are each of a purely formal nature. None of those amendments are necessary in order to distinguish any prior art and none of them have been being made for any reason relating to patentability.

Summary of Telephonic Interview with Examiner

The Examiner is thanked for the courtesy of the telephonic interview which took place in two parts on October 28, 2009 and November 9, 2009. On October 28, 2009, the undersigned called to the Examiner to report that the rejections under 35 U.S.C. §102(e) appear to have been improperly made because Gellrich et al. '107 was a continuation –in-part of application no. 10/719,683 filed November 24, 2003 yet, the particular portions of the disclosure Gellrich et al. '107 relied upon by the Examiner as the basis for the rejections did not appear to be present in 10/719,683 as filed November 24, 2003. Accordingly, the undersigned informed the Examiner that in Applicant's view, such disclosure could not properly be accorded November 24, 2003 as a 102(e) reference date. The Examiner agreed to look into the issue and contact the undersigned to discuss the matter further after doing so. On November 9, 2009, the Examiner reported that after analyzing application no. 10/719,683 and considering the matter further, he was in agreement with the undersigned that the rejections based on Gellrich et al. '107 under 35

U.S.C. §102(e) had been improperly made. The Examiner indicated that unless further searching were to result in some new ground of rejection, the claims appeared to be allowable over the prior art of record in their present form and that the rejections over Gellrich et al. '107 under 35 U.S.C. §102(e) upon filing a Response making of record the deficiencies of those rejections as just explained.

Rejections Under 35 U.S.C. §102(e)

Reconsideration and withdrawal of all outstanding rejections under 35 U.S.C. §102(e) based on Gellrich et al. '107 is respectfully solicited on the grounds discussed in the telephonic interview with the Examiner as summarized above. All claims in their present form are therefore submitted to be in condition for allowance.

Request for Withdrawal of Finality

Applicant requests that the finality of the Office Action be withdrawn as the holding of finality was based on solely only the improvident rejection under 35 U.S.C. §102(e) and was therefore itself improper.

Comments on Indications of Allowable Subject Matter

As noted above, claims 8-18 were each rejected as depending from a rejected base claim but were indicated to drawn to allowable subject matter for the reasons noted by the Examiner in paragraph 5 of the Office Action. Applicant notes for the record that in view of the independent patentability of claim 19, and the impropriety of the rejections under 35 U.S.C. §102(e) noted above, the reasons for indications of allowable subject matter as stated in the Office Action as to claims 8-18 are incomplete at least to the extent they do not account for the patentability of claim 19 from which all other pending claims, including without limitation, claims 8-18, all depend, either directly or indirectly.

Applicant further submits that in addition to the reasons noted by the Examiner, all pending claims, including without limitation, claims 8-18, are patentable on the independent and distinct ground that it would not have been obvious to a person of ordinary skill in the art at the time Applicant's invention was made, either in view of the prior art or for any other reason, to provide a structure for use in a projection exposure system for manufacturing semiconductors which, as claimed in claim 19 includes a projection lens assembly and a supporting structure for supporting the projection lens assembly and bearing the weight of the projection lens assembly, including at least the combined weight of a housing and of a plurality of optical elements mounted in the housing, and has a plurality of supporting elements, each respective one of which forms part of a respective one of a plurality of connections through which the housing is connected to the supporting structure and through which said weight of the projection lens is transferred to the supporting structure in such a way that supporting forces generated by the supporting structure as a result of the weight transfer are taken up by a pressure force and a shear force which act on at least one of said supporting elements.

Claim 7 is submitted to be patentable independently of claim 19, because it is respectfully submitted that a person of ordinary skill in the art at the time Applicant's invention was made would not have found it obvious based on any of the prior art of record, either taken individually or in any combination with one another, and/or in light of any information, knowledge or skill possessed by such person, and/or any other motivation or reason within the contemplation of such person, to provide a structure of the type otherwise claimed in claim 19 with supporting elements having an at least approximately L-shaped portion and an adjoining mounting flange.

In addition to the reasons noted by the Examiner in paragraph 5 of the Office Action, and the independent reasons noted above regarding its base claim (claim 19) and its intervening claim (claim 7), claim 8 is also submitted to be patentable independently of claims 19 and 7 because it is respectfully submitted that a person of ordinary skill in the art at the time Applicant's invention was made would not have found it obvious based on any of the prior art of record, either taken individually or in any combination with one another, and/or in light of any information, knowledge or skill possessed by such person, and/or any other motivation or reason within the contemplation of such person, to provide a structure of the type otherwise claimed in claim 8 including wherein the mounting flange adjoins the vertical leg of the L-shape in at least approximately the horizontal direction.

Claim 9 is also patentable independently over claims 7, 8 and 9 because it is respectfully submitted that a person of ordinary skill in the art at the time Applicant's invention was made would not have found it obvious based on any of the prior art of record, either taken individually or in any combination with one another, and/or in light of any information, knowledge or skill possessed by such person, and/or any other motivation or reason within the contemplation of such person, to provide a structure of the type otherwise claimed in claim 8 with adhesive surfaces arranged between the recited structural element and the vertical leg of the supporting element and between the structural element and the horizontal leg of said supporting element as claim 9 expressly recites.

Claim 13 is also respectfully submitted to be patentable in its own right on independent and distinct grounds. Namely, there is nothing in the record to indicate that a

person of ordinary skill in the art at the time Applicant's invention was made would have found it obvious based on any of the prior art of record, either taken individually or in any combination with one another, and/or in light of any information, knowledge or skill possessed by such person, and/or any other motivation or reason within the contemplation of such person, to provide a structure of the type otherwise claimed in claim 12 wherein the substantially U-shaped portion of the structural element is provided with a through-bore through which a screw is passed with the screw being connected to the two legs of the supporting element in such a way that the two legs of the substantially U-shaped portion exert a prestressing force on the structural element as claim 13 recites.

Claims 15 through 18 each depend directly or indirectly from allowable claims 14 and 19 and are thus patentable for at least the same reasons noted above as claims 14 and 19. However, claims 15 through 18 are also respectfully submitted to be patentable for other reasons which do not rely on the patentability of any other claim(s).

As to claim 15, there is nothing in the record to indicate that a person of ordinary skill in the art at the time the invention was made would have found it obvious based on any of the prior art of record, either taken individually or in any combination with one another, and/or in light of any information, knowledge or skill possessed by such person, to provide the mounting flange in a structure as otherwise claimed in claim 14 with mounting flange with a portion having an at least approximately T-shaped cross section and provide connecting elements connecting the two clamping plates and the peripheral plate to the mounting flange such that the at least approximately T-shaped portion has first leg which serves as a mounting plate for mounting the mounting flange upon the

supporting structure and also has a perpendicularly oriented second leg to which the least approximately T-shaped portion is connected.

In the case of claim 16, there is nothing in the record to indicate that a person of ordinary skill in the art at the time the invention was made would have found it obvious based on any of the prior art of record, either taken individually or in any combination with one another, and/or in light of any information, knowledge or skill possessed by such person and/or any other motivation or reason within the contemplation of such person, to provide a structure of the type otherwise claimed in claim 15 to provide the recited connecting elements of ones which comprise screws and spring elements placing the screws under prestress.

Regarding claim 17, the record lacks evidence from which one could reasonably conclude that a person of ordinary skill in the art at the time the invention was made would have found it obvious based on any of the prior art of record, either taken individually or in any combination with one another, and/or in light of any information, knowledge or skill possessed by such person and/or any other motivation or reason within the contemplation of such person, to provide a structure as otherwise claimed in claim 14 with at least one adhesive layer disposed between each of said clamping plates and said structural element and between said peripheral plates and said structural element as recited in claim 17.

Regarding claim 18, there is nothing in the record to indicate that a person of ordinary skill in the art at the time the invention was made would have found it obvious based on any of the prior art of record, either taken individually or in any combination with one another, and/or in light of any information, knowledge or skill possessed by

such person and/or any other motivation or reason within the contemplation of such person, to provide a structure as otherwise claimed in claim 17 with screws which are screwed into the structural element in such a way that the two clamping plates exert a prestress on the least one adhesive layer as claim 18 recites.

Claims 2 through 6 are also respectfully submitted to be patentable for reasons independent and distinct of the fact that each of them depends from a patentable base claim, namely claim 19. It is respectfully submitted that a person of ordinary skill in the art at the time Applicant's invention was made would not have found it obvious based on any of the prior art of record, either taken individually or in any combination with one another, and/or in light of any information, knowledge or skill possessed by such person, and/or any other motivation or reason within the contemplation of such person, to provide a structure of the type otherwise claimed in claim 19 with the specific features recited in each respective one of claims 2 through 6.

Conclusion

In view of the foregoing, it is submitted that claims 2-19 are patentable over the prior art of record and are in condition for allowance in their present form.

Respectfully submitted,

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